

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DWIGHT RUSSELL, *et al.*,

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et al.*,

Defendants.

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Case No. 4:19-cv-00226

ADVISORY

We write to provide the information requested by the Court during the April 3, 2020 telephone conference.

As written, EO-GA-13 does not preclude judges from conducting individualized assessments using the specific factors provided in Tex. Code of Criminal Procedure Art. 17.15 for any arrestees, including arrestees previously convicted of or currently under arrest for a crime involving physical violence or the threat of physical violence.

EO-GA-13 also does not purport to limit any judge's authority to release on secured bail any arrestee, even ones with a prior conviction or current arrest for a crime of physical violence or the threat of physical violence.

Furthermore, EO-GA-13 does not preclude release on an individualized basis for health or medical reasons, provided that proper notice is given to the district attorney and an opportunity for hearing is given. Under this provision, county criminal court judges, district judges, and appellate judges still have the discretion,

after an individualized hearing where all the factors under Art. 17.15 are considered and proper notice is provided, to issue a personal recognizance bond for health or medical reasons to any arrestee.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent by electronic notification through ECF by the United States District Court, Southern District of Texas, Houston Division, on April 3, 2020 to all parties of record.

/s/ Adam Arthur Biggs
ADAM ARTHUR BIGGS
Special Litigation Counsel